

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF WESTERN PENNSYLVANIA: PITTSBURGH DIVISION

NANCY E. LEWEN, pro se

Plaintiff,

-against-

The Honorable Sandra Edwards-Stephens*Florida Bar License # 384630, individually and in
her official capacity as Judge of the Fifth Judicial
Circuit Court Marion County Florida;***David Ellspermann, Clerk of the Court;****State of Florida Department of Revenue-
Central Child Support Disbursement Unit;****Gary M. Finnegan; Anne Raduns, PA Florida
Bar License # 669415.**

Defendants

CIVIL ACTION NO. 10-1273
JUDGE JOY FLOWERS CONT.U.S.
DISTRICT COURT
FILED

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**MEMORANDUM IN SUPPORT OF
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT****TABLE OF CONTENTS**

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APPENDIX OF EXHIBITS

- 1) Exhibits A-O Previously submitted with Motion for Preliminary Injunction.
- 2) Exhibit P- Texas Office of the Attorney General- Child Support arrearage balance as of 5/1/2006.
- 3) Exhibit Q- Memo regarding child support case, from Jefferson County Texas Court Administrator
- 4) Exhibit R- Notice of Non Representation from Anne E. Raduns Esq. dated September 13, 2010
- 5) Exhibit S- Final TX and Fla. orders- dated Sept. 3, 1998, May 3, 2006, Sept.8, 2006, Sept. 3, 2010.
- 6) Exhibit T- Memo from Robert L. Appleget Esq. dated June 16, 2006.
- 7) Exhibit U- Memo from Anne E. Raduns Esq. dated August 29, 2006.
- 8) Exhibit V- 2010 Florida pleadings for motion to vacate judgment due to fraud on the Court.

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II. STATEMENT OF THE FACTS OF THIS CASE

Plaintiff filed original *Complaint* alleging that a child support judgment entered in the Marion County Florida Fifth Judicial Circuit Court in September 2006 was obtained by fraud upon the Court, discrimination due to socioeconomic status, and other willful constitutional violations.

Plaintiff filed her *Complaint, Motion to Proceed Informa Pauperis*, and *Motion for Preliminary Injunction* on or about October 1, 2010 and submitted Form 285's for all Defendants to be served by the U.S. Marshall. The Court approved Motion to Proceed Informa Pauperis and on October 28, 2010, the Court entered *NOTICE*, designating the matter for Alternate Dispute Resolution. The parties were directed to conduct Rule 26 Scheduling. The Plaintiff mailed *NOTICE, Rule 26 report* and *Stipulation Choosing Binding Arbitration* to Defendants on November 8, 2010. Rule 26 scheduling was to be complete by December 17, 2010 with Discovery period through December 31, 2010. There has been no defenses or evidence entered by Defendants, or by general counsel, or by the Florida Attorney General for those judicial officers who are employed by the State of Florida.

III. STATEMENT OF THE ISSUES

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IV. LEGAL STANDARDS OF REVIEW

The court shall grant summary judgment pursuant to Federal Rules of Civil Procedure Rule 56, if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. Congress mandates federal courts to protect victims of deprivation of rights by state agencies. It is stated in *Monroe v. Pape*, 365 U.S. 167, 180, (1961),

"It is abundantly clear that one reason the legislation was passed was to afford a federal right in federal courts because, by reason of prejudice, passion, neglect, intolerance or otherwise, state laws might not be enforced and the claims of citizens to the enjoyment of rights, privileges, and immunities guaranteed by the Fourteenth Amendment might be denied by the state agencies."

The basic standard governing fraud on the court is reasonably straightforward. As set forth in *Cox v. Burke*, 706 So. 2d 43, 47 (Fla. 5th DCA 1998):

"The integrity of the civil litigation process depends on truthful disclosure of facts." The requisite fraud on the court occurs where "it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier of fact or unfairly hampering the presentation of the opposing party's claim or defense." *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1118 (1st Cir. 1989).

The doctrine of the United States Supreme Court echoed in *Chewning v. Ford Motor Co.*, 354 S.C. 72, 83-84, (2003),

"Attorney fraud calls into question the integrity of the judiciary and erodes public confidence in the fairness of our system of justice. Accordingly, where an attorney embarks on a scheme to either suborn perjury or intentionally conceal documents, extrinsic fraud constituting a fraud upon the court occurs."

In re: Coordinated Pretrial Proceedings in Antibiotic Antitrust Actions, 538 F.2d 180, 195 (8th Cir.1976) the Court described the standard of review for fraud upon the court:

"In order to meet the necessarily demanding standard for proof of fraud upon the court we conclude that there must be: (1) an intentional fraud; (2) by an officer of the court; (3) which is directed at the court itself; and (4) in fact deceives the court." We further conclude that a determination of fraud on the court may be justified only by "the most

egregious misconduct directed to the court itself," and that it "must be supported by clear, unequivocal and convincing evidence."

Fraud upon the Court by judicial officers is an abuse of discretion. *Aoude v. Mobil Oil*, 892 F.2d 1115, 1118 (1st Cir. 1989), on which Cox heavily relied, described the abuse of discretion standard of review:

"While broad, the trial court's discretion is not unlimited. The [trial] judge must consider the proper mix of factors and juxtapose them reasonably. Abuse occurs when a material factor deserving significant weight is ignored, when an improper factor is relied upon, or when all proper and no improper factors are assessed, but the court makes a serious mistake in weighing them."

The right to a tribunal free from bias or prejudice is based on the Due Process Clause of the U.S. Constitution. *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996). Throughout the history of the United States of America, its constitutions, statutes and case law have provided standards for fair treatment of all citizens by federal, state and local governments. These standards ensure due process. When a person is treated unfairly by the government, including the courts, he is said to have been deprived of or denied due process. The Due Process Clause of the Fourteenth Amendment to the U.S. Constitution can be defined in one word--fairness. Courts have repeatedly held that positive proof of the partiality of a judge is not a requirement, only the appearance of partiality. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 108 S.Ct. 2194 (1988) (what matters is not the reality of bias or prejudice but its appearance); *United States v. Balsitri*, 779 F.2d 1191 (7th Cir. 1985). That Court also stated that 28 U.S.C. §455(a) of the Judicial Code, "requires a judge to recuse himself in any proceeding in which impartiality might reasonably be questioned." *Taylor v. O'Grady*, 888 F.2d 1189 (7th Cir. 1989). In *Pfizer Inc. v. Lord*, 456 F.2d 532 (8th Cir. 1972), the Court stated that "It is important that the litigant not only actually receive justice, but that he believes that he has received justice." The U.S. Supreme Court has ruled and has reaffirmed the principle that "justice must satisfy the appearance

of justice", *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954).

"Judge shopping" gives appearance of partiality. In *Tripp v. Executive Office of the President*, 196 F.R.D. 201, 202 (D.C. 2000), the Court stated, "The fundamental rationale for the general rule requiring random assignment of cases is to ensure greater public confidence in the integrity of the judicial process. The rule guarantees fair and equal distribution of cases to all judges, avoids public perception or appearance of favoritism in assignments, and reduces opportunities for judge-shopping."

US Code Title 28 Part V Chapter 115 §1738B Full Faith and Credit for Child Support Orders Act (FFCCSOA) is the practical application of the Full Faith and Credit Clause of the U.S. Constitution as it applies to family law regarding child support orders. The FFCCSOA creates a framework for dealing with foreign support orders, requiring that orders be given full faith and credit by all states. As a general rule, the appropriate authorities of each State shall enforce according to its terms a child support order made by a court of another State. A court of a State that no longer has continuing, exclusive jurisdiction of a child support order may enforce the order with respect to non modifiable obligations and unsatisfied obligations that accrued before the date on which a modification of the order is made. "Child" is defined as a person under 18 years of age; and person 18 or more years of age with respect to whom a child support order has been issued pursuant to laws of a State. "Child support" is defined as a payment of money, continuing support, or arrearages or the provision of a benefit (including payment of health insurance, child care, and educational expenses) for the support of a child. "Child support order" is defined as a judgment, decree, or order of a court requiring the payment of child support in periodic amounts or in a lump sum; and includes a permanent or temporary order; and an initial order or a modification of an order. "The FFCCSOA is binding on all states and supersedes any inconsistent provisions of state law." *Kelly v. Otte*, 123 N.C.App. 585, 474 S.E.2d 131, 134 (1996).

The Uniform Interstate Family Support Act 2001 (UIFSA) is one of the uniform acts drafted by the National Conference of Commissioners on Uniform State Laws. First developed in 1992, the NCCUSL revised the act in 1996 and again in 2001. The act addresses non-payment of child support obligations and limits the jurisdiction that could properly establish and modify child support orders. It has been adopted by every U.S. State. In 1996, Congress passed and President Bill Clinton signed the Personal responsibility and Work Opportunity Act (42 U.S.C. § 666), which required that states adopt UIFSA by January 1, 1998 or face loss of federal funding for child support enforcement. “Substantial compliance with the requirements is expected,” *Twaddell v. Anderson*, 523 S.E.2d 710 (N.C. App. 1999); *In re Chapman*, 973 S.W.2d 346 (Tex. App. 1998.)

UIFSA Section 317 is the section that authorizes communication between tribunals in order to facilitate decisions. A tribunal of one state may communicate with a tribunal of another state in a record, or by telephone or other means, to obtain information concerning laws, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state.

UIFSA Section 602 details the procedure to register a child support order from another state for enforcement. A support order or income-withholding order of another State may be registered for modification in a State by sending (1) a letter of transmittal to the tribunal requesting registration and enforcement; (2) two copies, including one certified copy, of the order to be registered, including any modification of the order; (3) a sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage; (4) the name of the obligor and, if known, the obligor’s address and social security number, the name and address of the obligor’s employer and any other source of income of the obligor; and a description and the location of property of the obligor in this State not exempt from execution; and (5) except as otherwise provided in Section 312 the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form. A petition or comparable pleading must specify grounds for the remedy sought.

UIFSA Section 607 details the procedure to contest registration or enforcement. A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses: (1) the issuing tribunal lacked personal jurisdiction over the contesting party; (2) the order was obtained by fraud; (3) the order has been vacated, suspended, or modified by a later order; (4) the issuing tribunal has stayed the order pending appeal; (5) there is a defense under the law of this State to the remedy sought; (6) full or partial payment has been

made; (7) the statute of limitation under Section 604 precludes enforcement of some or all of the alleged arrearages; or (8) the alleged controlling order is not the controlling order. If a party presents evidence establishing a full or partial defense, a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders.

The Bradley Amendment, 42 U.S.C. Section 666(a)(10), standardizes the treatment of interstate child support disputes. The amendment disallows any judicial discretion, even from bankruptcy judges. Proof of arrearages MUST result in enforcement; all States are required to treat child support payments as final judgments as they come due (or lose federal funding). Arrearages are not subject to retroactive modification.

Florida Statute 88.6021 is the state application of the federal Uniform Interstate Family Support Act of 2001 (UIFSA.) Florida Statute 88.6021 is identical to UIFSA, both in structure and intent.

The Florida Bar Rules of Professional Conduct Rule 4-8.4 states, among other things:

"A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation. Rule 4-8.4 furthermore states that a lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic. Rule 4-8.4 also states that a lawyer shall not knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law."

Judicial officers take an oath to "support and defend" state and federal constitutions. A judge must not deny anyone their rights to due process of law, access to the courts, freedom of speech, freedom of the press, freedom of religion and many other rights set out in our state and federal constitutions. Florida judges are bound by The Code of Judicial Conduct for the State of Florida: including, CANON 1- "A Judge Shall Uphold the Integrity and Independence of the Judiciary. CANON 2- "A judge shall avoid impropriety and appearance of impropriety in all of the judge's activities." CANON 3- "A Judge Shall Perform Duties of Judicial Office Impartially and Diligently."

The above captioned civil action alleges "Fraud upon the Court" under color of law. When an officer of the court commits fraud during a proceeding in the court, he/she is engaged in "fraud upon the court". West's Encyclopedia of American Law defines the term "officer of the court" as an all-inclusive term for any type of court employee, including judges and attorneys.

"A judge is not the court." *People v. Zajic*, 88 Ill.App.3d 477, 410 N.E.2d 626 (1980). A judge is an officer of the court, and must comply by the rules of the Court. A state judge is a state judicial officer, paid by the State to act impartially and lawfully. Per West, an attorney is also regarded as being an officer of the court and must comply with court rules and state and federal laws.

A judicial officer of a state, acting under "color of law," may not willfully deprive or conspire to deprive a person of a right protected by the Constitution or U.S. law. "Color of law" means that the person is using authority given to him or her by a local, state, or federal government agency.

Title 18, U.S.C., Section 241 is the federal statute that makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States.

Title 18, U.S.C., Section 242 is the federal statute that prohibits any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived those rights secured or protected by the U.S. Constitution.

Part III of Chapter 112, of the Florida Statutes contains the applicable standards of ethics regarding conduct and disclosures.

V. LEGAL ARGUMENTS

A. Robert L. Appleget Esq., deceased, willfully committed Fraud upon the Court.

In Florida proceedings, **NANCY E. LEWEN**, pro se, submitted substantial evidence to show existence of modifications, history of contempt documented by the Texas Office of the Attorney General, and outstanding arrears balance. Robert L. Appleget, as counsel for **GARY M. FINNEGAN**, committed a fraud that was directed at the Court itself for the purpose of deceiving the Court by registering a certified copy of an old child support order, but failing to register the numerous subsequent modifications that had been made to the order and failing to have his client acknowledge modifications and arrears. In summer 2007, the Plaintiff was briefly living in Texas and physically examined the case file in the Courthouse of the 317th District Court of Jefferson County Texas. It was apparent by the amount of dust on the file, and archived location of filing in the courthouse, that the file had not been touched in almost a decade and that no inquiries had been made the year before to that Court by **GARY M. FINNEGAN**, or his counsel, or the Marion County Clerk or Florida Court.

Contrary to UIFSA Section 602 and Florida Statute 88.6021, Defendant **GARY M. FINNEGAN**, by and through his attorney, failed to register modifications and failed to provide a sworn statement when requesting registration, or a certified statement by the custodian of the records showing the amount of any arrearage. After registering the old child support order to initiate the proceedings, Robert L. Appleget, Esq. then ignored the evidence and defenses submitted by **NANCY E. LEWEN** that the registered order had been modified by later orders and was not the true controlling order.

Robert L. Appleget Esq., now deceased, alluded to existing arrearage during custody proceeding in May 2006, and assured the Court that he would obtain the information. The Court reserved jurisdiction and continued the proceeding. The subject was ignored in child support hearing on August 29, 2006, above the protests of **NANCY E. LEWEN**, and ignored in Final Judgment dated September

8, 2006. The evidence is clear, unequivocal and convincing that Robert L. Appleget Esq. was aware of the outstanding arrears. Robert L. Appleget intentionally failed to obtain arrears balance information from the Texas Office of the Attorney General. Robert L. Appleget scheduled final child support hearing, but did not attend. Child support hearing was attended by Anne E. Raduns, Esq., who also prepared the orders from the hearing that allege that she had spent two hours preparing for the case.

B. This was “fraud upon the Court,” by a judicial officer, not merely “fraud” by Obligor

Counsel did not withdraw, and proceedings continued in spite of clear evidence of fraud.

In *Bullock v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated “Fraud upon the court” is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function thus where the impartial functions of the court have been directly corrupted.”

C. The Defendants in this case were possible accomplices to fraud upon the Court.¹

ANNE E. RADUNS ESQ. attended final hearing and prepared the orders that were so fraudulent that in addition to ignoring large outstanding child support arrears balance, they discretely incorporated *child care center expenses* into final child support orders for a 15 year old high school football player. On September 21, 2010, shortly after mailing this federal case for filing, the Plaintiff received “cease and desist” *Notice of Non Representation*, wherein ANNE E. RADUNS ESQ. denies that she ever represented GARY M. FINNEGAN as counsel.

The Plaintiff unsuccessfully attempted to contest the fraud in 2006, then waited until her alienated child reached adulthood before re-approaching the Court, in the best interest of the child.

¹The methods used in this case were addressed by 103rd session of Congress of 1993-1994, (Section 2 of Pub. L. 103-383) while framing Uniform Interstate Family Support Act.

This behavior has also been addressed by Florida Supreme Court appointed committees since 1991 and is part of the reason for establishment of a Unified Family Court system. [*In Re: Report of the Commission on Family Courts* 588 So. 2D 586 (Fla 1991)].

The Plaintiff recently re-approached the Court to set the order aside, and was again unsuccessful. **THE HONORABLE SANDRA EDWARDS-STEVENS** condoned fraud in September 2006 and again in 2010 when Plaintiff specifically said, "if you do not condone this fraud, please set this order aside." **DAVID ELLSPERMANN**, Clerk of Court, permitted Robert L. Appleget Esq. to "judge shop" and failed to follow the proper procedure in registering the foreign judgment. **THE STATE OF FLORIDA DEPARTMENT OF REVENUE-Central Child-Support Disbursement Unit** failed to provide enforcement services to **NANCY E. LEWEN** to establish some sort of administrative offset agreement, although she was entitled to enforcement services by state and federal law.

D. There was an appearance of partiality, denial of due process, and discrimination based upon socioeconomic status against a pro se out of state litigant.

Proceedings demonstrated an appearance of partiality and discrimination on the basis of socioeconomic status against **NANCY E. LEWEN**, a resident of Pennsylvania. The Court ignored defenses, evidence, and statutory citations made by **NANCY E. LEWEN**, who was testifying by telephone, pro se, and out of state. In addition to being permitted to ignore state and federal laws, Robert L. Appleget Esq. was permitted to "judge shop" prior to proceedings. The Court in this case also failed to enforce contempt for the willful violation of its own visitation orders, in spite of having been provided with evidence of long history by **GARY M. FINNEGAN** of contempt, child custody interference, interstate concealment, and severe parental alienation. Final child support judgment was so fraudulent that it also discretely contained unsubstantiated child care expenses for a teenager and a father who is documented as too disabled to work, and would not incur child care expenses.

E. Final Judgment is invalid because it is based on an earlier judgment that has been vacated and it was based upon fraud upon the Court.

The Plaintiff is entitled to relief under Fed. R.C.P. Rule 60 on grounds of Rule 60 (b)(5), *the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been*

reversed or vacated; or applying it prospectively is no longer equitable; Federal Rule 60 is consistent with Florida Rules of Civil Procedure RULE 1.540(b)(5). "Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by *officers of the court* so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." *Kenner v. C.I.R.*, 387 F.3d 689 (1968); Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further stated "a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final."

F. All facts relevant to resolving the issue
of the Complaint are already before the Court.
A Determination on the Merits of the Complaint
Relies on Purely Legal Issues.

There is no conflict of material fact here; the facts lie within the previous court judgments, are straightforward and sufficient to resolve this matter. The Defendants have submitted no defenses or additional evidence. If Defendants fail to respond within thirty (30) days of this Motion, sole attendance by the Plaintiff at Alternate Dispute Resolution would be wasteful of the Court's resources. Summary judgment based on review of the merits of the Complaint with entrance of declaratory and injunctive relief would be judicious. The Plaintiff is enclosing copies of the relevant orders from both the Florida and the Texas tribunals as exhibits for the Court to inspect before entering summary judgment. The Plaintiff is also submitting recently obtained balance information from the Texas Office of the Attorney General, showing that they discontinued their services in May 2006 when the arrearage balance was over \$44, 000. The Plaintiff is submitting communication from the Court Administrator in the Jefferson County Texas 317th Judicial District Court. The Honorable Larry Thorne has recently reviewed the Texas case file, and confirmed that "Florida is dealing with the child support case." Some documents are not filed in their entirety. The Plaintiff has extracted and highlighted the relevant

portions of each referenced document and included appropriate identification.

G. Decision on the motion for preliminary injunction is essentially a decision on the merits.

Pursuant to Fed. R.C. P. Rule 42 (a) (2) if actions before the court involve a common question of law or fact, the court may consolidate the actions. The Plaintiff's primary objective in bringing this suit is for relief to prevent enforcement of a judgment that was obtained unlawfully, and declaratory relief to confirm jurisdiction for enforcement of arrears and garnishability of pay sources.

If the Court finds that the defendants should be enjoined from enforcing the judgment, the subject of the preliminary injunction motion, consolidation of the *Motion for Preliminary Injunction* with the *Motion for Summary Judgment* will merely formally recognize that the injunctive relief should be permanent in nature as opposed to temporary.

Plaintiff, **NANCY E. LEWEN**, is entitled to declaratory relief confirming that Defendants violated the Plaintiff's legal rights as secured by the U.S. Constitution and existing Florida statutes when registering a child support order from the State of Texas for modification by the State of Florida.

Plaintiff, **NANCY E. LEWEN**, is entitled to declaratory relief confirming that attorney Robert L. Appleget Esq., acted outside of the scope of his professional duties, and committed an act of fraud upon the court on behalf of Defendant **GARY M. FINNEGAN** for purpose of child support evasion.

Plaintiff, **NANCY E. LEWEN**, is entitled to injunctive relief to enjoin Defendants from enforcing final judgment entered on September 8, 2006 in the Marion County Florida Fifth Judicial Circuit Court. Judgment was obtained by fraud upon the Court and is *invalid*.

II. There is no Federal or State Statute of Limitations for Fraud upon the Court.

There is no statute of limitations for relief from fraud upon the court pursuant to *Federal R.C.P. Rule 60 (d)(3)* which is consistent with Florida Rules of Civil Procedure RULE 1.540(b)(5).

I. The State of Texas Holds Continuing Exclusive Jurisdiction to Enforce Arrearages

The State of Florida reserved jurisdiction on child support issues, *could* have, and *should* have, enforced the arrearages by the provisions afforded to the Florida Court by existing State statute and federal laws. The Honorable Larry Thorne of Jefferson County Texas recently reviewed the Florida orders, and acknowledges in attached memo from the Clerk of Court and subsequent email correspondence from the Court Administrator, that "Florida is dealing with the child support case." In that Florida has reserved jurisdiction, it would be judicious to clarify and confirm that Texas holds Continuing Exclusive Jurisdiction.

VI. CONCLUSION

WHEREFORE, for the foregoing reasons, if the defendants do not submit any evidence within thirty (30) days to dispute the factual allegations of the Complaint, this Court should consolidate the *Motion for Preliminary Injunction* with a hearing on the merits of the *Complaint*, and grant the Plaintiff's *Motion for Summary Judgment* for declaratory and injunctive relief.

Respectfully Submitted,


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Date

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF WESTERN PENNSYLVANIA: PITTSBURGH DIVISION

NANCY E. LEWEN, pro se

Plaintiff,

-against-

The Honorable Sandra Edwards-Stephens
Florida Bar License # 384630, individually and in
her official capacity as Judge of the Fifth Judicial
Circuit Court Marion County Florida;
David Ellspermann, Clerk of the Court;
State of Florida Department of Revenue-
Central Child Support Disbursement Unit;
Gary M. Finnegan; Anne Raduns, PA Florida
Bar License # 669415.

Defendants

CIVIL ACTION NO. 10-1273
JUDGE JOY FLOWERS CONTI

PLAINTIFF'S AFFIDAVIT

I, Nancy E. Lewen, being duly sworn, state as follows:

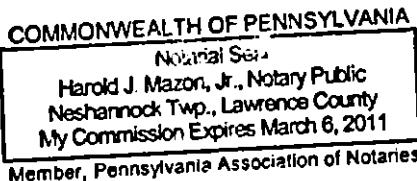
1. I am the plaintiff in the above-entitled action.
2. My claims are for declaratory and injunctive relief from an act of fraud upon the court and other civil rights violations committed in the year 2006 by deceased attorney Robert L. Appleget Esq., Florida Bar License #166584, on behalf of Gary M. Finnegan for purpose of interstate evasion of a large arrearage balance owed from Texas child support orders of approximately \$45,000 as of May 2006.
3. I swear to the best of my knowledge that the court records and other documents that I have submitted as evidence are the truthful records of child support arrearage owed from Gary M. Finnegan to myself and that there are no other records in this case that would show a history of child support payments being made from Gary M. Finnegan, or from any other person or entity acting on behalf of Gary M. Finnegan, to myself since the last successful child support garnishment made by the Texas Office of the Attorney General in the year 1999.

Nancy E. Lewen Dec. 28, 2010

Nancy E. Lewen, Plaintiff, pro se
48 Rainforest Drive
Brampton, ON L6R 1B1 Canada
nlewen@indstate.edu
647-222-4757

Sworn to and subscribed before
me this 26th day of December,
2009, 2010.

Harold J. Mazon
Notary Public
MY COMMISSION EXPIRES: 3/6/11



CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Plaintiff's Motion For SUMMARY Judgment, and MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT have been mailed by Canada Post to:

State of Florida Office of the Attorney General (for Def. Stephens, Ellspermann and State of Florida)
Dept. of Legal Affairs- The Capitol
Tallahassee, Florida 32399-1050

Anne Raduns, PA
221 NW 4th Street
Ocala FL 34475

Gary M. Finnegan
18 Chestnut Place
Ocala, FL 34480

Nancy Lewen
NANCY E. LEWEN, Plaintiff, pro se
48 Rainforest Drive
Brampton, ON L6R 1B1 Canada

31 Dec. 2010

Date

Nancy E. Lewen
48 Rainforest Drive
Brampton, ON L6R 1B1

State of Florida Office of the Attorney General
Dept. of Legal Affairs- The Capitol
Tallahassee, Florida 32399-1050

Re: US District Court of Western Pennsylvania Civil Case # 10-1273
On behalf of Defendants: Stephens, Ellspermann, State of Florida

December 29, 2010

Dear Sir;

Although you have not entered Notice of Appearance, enclosed find *Motion for Summary Judgment* for declaratory and injunctive relief, and **Exhibits P and Q** for your review as counsel for the state judicial officer Defendants in the above referenced case.

Exhibits A-O were provided to Defendants upon filing of the case. All other referenced exhibits are on record with the Marion County Florida Fifth Judicial Circuit Court, case # 2005-4030-DR-FG. Please respond in a timely manner if you wish to participate and defend against my allegation of an act of fraud upon the Court being committed by Florida attorney Robert L. Appleget, Esq., now deceased.

Sincerely,

Nancy E. Lewen
48 Rainforest Drive
Brampton, ON L6R 1B1
nlewen@indstate.edu
647-222-4757

EXHIBIT P

Jane Birge
Chief Deputy



Domestic Relations
409-835-8653

Child Support
P. O. Box 3586
Beaumont, TX 77704
409-835-8425

LOLITA RAMOS
District Clerk

1001 Pearl Street Suite 203 • Beaumont, TX 77701 • 409-835-8580 • Fax 409-835-8527

September 23, 2010

NANCY E. LEWEN
48 RAINFOREST DRIVE
BRAMPTON, ON L6R 1B1

RE: C-151295

DEAR MS. LEWEN:

AS PER SUSIE O'QUINN, COORDINATOR OF THE 317TH DISTRICT COURT, WE ARE UNABLE TO FILE YOUR MOTION FOR ENFORCEMENT OR FILE THE PROTECTIVE ORDER. WE CANNOT ACCEPT OUT OF STATE CHECKS.

~~THE STATE OF FLORIDA IS DEALING WITH THE CHILD SUPPORT CASE.~~

ENCLOSED, PLEASE FIND YOUR PLEADINGS.

SINCERELY,
LOLITA RAMOS, DISTRICT CLERK
C. Moulder
BY C. MOULDER, DEPUTY CLERK

ENC.

Case ID: 1595017851 Cause Number: C151295
 NCP: FINNEGAN, GARY M CP: LEWEN, NANCY E

		Child Support			
Trans Date	Activity Type	Transaction Amount	Amount Due	Amount Applied	Balance
06-26-1998	Amount Due	15.35	15.35	15.35	0.00
09-30-1998	Amount Due	153.51	153.51		15.35477
10-01-1998	Amount Due	153.00	153.00		15.65477
10-31-1998	Amount Due	153.51	153.51		15.80323
11-01-1998	Amount Due	153.00	153.00		15.95323
11-05-1998	Collection	-50.00		-50.00	15.90323
11-13-1998	Amount Due	153.51	153.51		16.05323
12-01-1998	Amount Due	153.00	153.00		16.21323
12-31-1998	Amount Due	153.51	153.51		16.36323
01-01-1999	Amount Due	153.00	153.00		16.51930
01-31-1999	Amount Due	157.51	157.51		16.87681
02-01-1999	Amount Due	153.00	153.00		16.82581
02-28-1999	Amount Due	159.01	159.01		16.66582
03-01-1999	Amount Due	153.00	153.00		17.13582
03-26-1999	Collection	-350.00		-350.00	16.78382
03-31-1999	Amount Due	153.65	153.65		16.94447
04-01-1999	Amount Due	153.00	153.00		17.09447
04-05-1999	Collection	-350.00		-350.00	16.74447
04-30-1999	Amount Due	154.73	154.73		16.60117
05-31-1999	Amount Due	153.00	153.00		17.05117
05-31-1999	Collection	-350.00		-350.00	16.70117
05-31-1999	Amount Due	154.73	154.73		16.85593
06-01-1999	Amount Due	153.00	153.00		17.00593
06-30-1999	Amount Due	154.73	154.73		17.16063
07-01-1999	Amount Due	153.00	153.00		17.31063
07-05-1999	Collection	-60.00		-60.00	17.23063
07-20-1999	Collection	-60.00		-60.00	17.15043
07-20-1999	Collection	-60.00		-60.00	17.07043
07-20-1999	Collection	-60.00		-60.00	16.99043
07-31-1999	Amount Due	154.65	154.65		17.14518
08-01-1999	Amount Due	153.00	153.00		17.29518
08-31-1999	Amount Due	154.65	154.65		17.45073
09-01-1999	Amount Due	153.00	153.00		17.59973
09-30-1999	Amount Due	155.35	155.35		17.75573
10-31-1999	Amount Due	153.00	153.00		17.90573
10-31-1999	Amount Due	157.35	157.35		18.06333
11-01-1999	Amount Due	153.00	153.00		18.21333
11-30-1999	Amount Due	159.01	159.01		18.37233
12-01-1999	Amount Due	153.00	153.00		18.52233
12-31-1999	Amount Due	160.65	160.65		18.68263
01-01-2000	Amount Due	153.00	153.00		18.83263
01-31-2000	Amount Due	156.65	156.65		18.99348
02-01-2000	Amount Due	153.00	153.00		19.14348
02-28-2000	Amount Due	152.54	152.54		19.30353
03-01-2000	Amount Due	153.00	153.00		19.45353

EXHIBIT Q-1
(5 PAGES)

Attorney General of Texas - Child Support Division
Financial Activity Report as of 10/29/2010
Case ID: 1595017581 Cause Number: C151255
NCP: FINNEGANT, GARY M CP: LEWEN, NANCY E

2-2

Trans Date	Activity Type	Transaction Amount	Amount Due	Amount Applied	Child Support Balance
13-01-2000	A-our1 Due	163.53	163.53		19,519.40
13-01-2000	A-our1 Due	303.00	150.00		19,769.00
14-01-2000	A-our1 Due	163.53	163.53		19,634.13
15-01-2000	A-our1 Due	303.00	150.00		20,084.13
15-01-2000	A-our1 Due	163.53	163.53		20,250.63
16-01-2000	A-our1 Due	303.00	150.00		20,400.63
16-01-2000	A-our1 Due	163.53	163.53		20,568.73
17-01-2000	A-our1 Due	163.53	150.00		20,718.73
18-01-2000	A-our1 Due	303.00	169.53		20,883.28
18-01-2000	A-our1 Due	303.00	150.00		21,038.28
19-01-2000	A-our1 Due	171.04	171.04		21,209.33
19-01-2000	A-our1 Due	303.00	150.00		21,359.33
19-01-2000	A-our1 Due	172.55	172.55		21,531.68
19-01-2000	A-our1 Due	303.00	169.53		21,681.68
19-01-2000	A-our1 Due	172.55	172.55		21,853.93
19-01-2000	A-our1 Due	303.00	150.00		22,005.93
19-01-2000	A-our1 Due	173.55	173.55		22,181.48
20-01-2000	A-our1 Due	303.00	150.00		22,331.48
20-01-2000	A-our1 Due	177.05	177.05		22,508.53
20-01-2000	A-our1 Due	303.00	150.00		22,658.53
20-01-2000	A-our1 Due	178.55	178.55		22,817.08
20-01-2000	A-our1 Due	303.00	150.00		22,967.08
20-01-2000	A-our1 Due	180.05	180.05		23,157.13
20-01-2000	A-our1 Due	303.00	150.00		23,317.13
20-01-2000	A-our1 Due	181.55	181.55		23,493.68
20-01-2000	A-our1 Due	303.00	150.00		23,648.68
20-01-2000	A-our1 Due	183.05	183.05		23,831.73
20-01-2000	A-our1 Due	303.00	150.00		23,981.73
20-01-2000	A-our1 Due	184.55	184.55		24,166.28
20-01-2000	A-our1 Due	303.00	150.00		24,316.28
20-01-2000	A-our1 Due	186.05	186.05		24,490.23
20-01-2000	A-our1 Due	303.00	150.00		24,652.33
20-01-2000	A-our1 Due	187.55	187.55		24,835.88
20-01-2000	A-our1 Due	303.00	150.00		24,989.88
20-01-2000	A-our1 Due	189.05	189.05		25,178.63
20-01-2000	A-our1 Due	303.00	150.00		25,328.63
20-01-2000	A-our1 Due	190.55	190.55		25,519.48
20-01-2000	A-our1 Due	303.00	150.00		25,669.48
20-01-2000	A-our1 Due	192.05	192.05		25,851.93
20-01-2000	A-our1 Due	303.00	150.00		26,011.93
20-01-2000	A-our1 Due	193.55	193.55		26,205.08
20-01-2000	A-our1 Due	303.00	150.00		26,355.08
20-01-2000	A-our1 Due	195.05	195.05		26,500.13
20-01-2000	A-our1 Due	303.00	150.00		26,700.13
20-01-2000	A-our1 Due	196.55	196.55		26,875.16

THESE PAPERS ARE THE PROPERTY OF THE STATE OF CALIFORNIA.

8-3

Trans Date	Activity Type	Transaction Amount	Amount Due	Amount Applied	Child Support Balance
2021-02-24 out: Due		352.00	150.00		27,023.18
2021-02-24 out: Due		175.75	175.75		27,200.04
2021-02-24 out: Due		325.00	150.00		27,350.64
2021-02-24 out: Due		176.53	176.53		27,527.47
2021-02-24 out: Due		325.00	150.00		27,677.47
2021-02-24 out: Due		177.43	177.43		27,834.75
2021-02-24 out: Due		325.00	150.00		28,004.75
2021-02-24 out: Due		178.33	178.33		28,162.78
2021-02-24 out: Due		325.00	150.00		28,332.78
2021-02-24 out: Due		179.23	179.23		28,511.55
2021-02-24 out: Due		325.00	150.00		28,681.55
2021-02-24 out: Due		179.13	179.13		28,851.09
2021-02-24 out: Due		325.00	150.00		28,931.09
2021-02-24 out: Due		180.23	180.23		29,171.37
2021-02-24 out: Due		325.00	150.00		29,321.37
2021-02-24 out: Due		181.33	181.33		29,502.45
2021-02-24 out: Due		325.00	150.00		29,652.45
2021-02-24 out: Due		182.43	182.43		29,834.18
2021-02-24 out: Due		325.00	150.00		29,984.18
2021-02-24 out: Due		183.53	183.53		30,165.71
2021-02-24 out: Due		325.00	150.00		30,336.71
2021-02-24 out: Due		184.63	184.63		30,499.96
2021-02-24 out: Due		325.00	150.00		30,649.96
2021-02-24 out: Due		185.73	185.73		30,804.02
2021-02-24 out: Due		325.00	150.00		30,964.02
2021-02-24 out: Due		186.83	186.83		31,163.80
2021-02-24 out: Due		325.00	150.00		31,378.80
2021-02-24 out: Due		187.93	187.93		31,504.33
2021-02-24 out: Due		325.00	150.00		31,654.33
2021-02-24 out: Due		188.03	188.03		31,840.81
2021-02-24 out: Due		325.00	150.00		31,990.81
2021-02-24 out: Due		189.13	189.13		32,177.64
2021-02-24 out: Due		325.00	150.00		32,327.64
2021-02-24 out: Due		189.23	189.23		32,515.42
2021-02-24 out: Due		325.00	150.00		32,663.42
2021-02-24 out: Due		189.33	189.33		32,853.65
2021-02-24 out: Due		325.00	150.00		33,003.65
2021-02-24 out: Due		189.43	189.43		33,163.23
2021-02-24 out: Due		325.00	150.00		33,343.23
2021-02-24 out: Due		189.53	189.53		33,533.25
2021-02-24 out: Due		325.00	150.00		33,743.25
2021-02-24 out: Due		189.63	189.63		33,874.04
2021-02-24 out: Due		325.00	150.00		34,024.04
2021-02-24 out: Due		189.73	189.73		34,215.87
2021-02-24 out: Due		325.00	150.00		34,368.87

For more information on the new version of the *Journal of Health Politics, Policy and Law*, visit www.oxfordjournals.org.

Attorney General of Texas - Child Support Division
 Financial Activity Report as of 10/29/2010
 Case ID: 1535017651 Cause Number: C131295
 NCP: FINNEGAN, GARY M CP: LEWIS, NANCY E

Page: 4
 Date: 10/29/2010

Q-4

Trans Date	Activity Type	Transaction Amount	Child Support		
			Amount Due	Amount Applied	Balance
10/31/2003	A-Due	192.23	192.23		34,597.85
10/31/2003	A-Due	30.50	30.50		34,707.85
10/31/2003	A-Due	193.23	193.23		34,900.85
10/31/2004	A-Due	30.50	30.50		35,030.85
10/31/2004	A-Due	193.75	193.75		35,244.65
10/31/2004	A-Due	30.50	30.50		35,374.65
10/31/2004	A-Due	194.53	194.53		35,589.19
10/31/2004	A-Due	30.50	30.50		35,739.19
10/31/2004	A-Due	195.49	195.49		35,834.47
10/31/2004	A-Due	30.50	30.50		36,034.47
10/31/2004	A-Due	195.63	195.63		36,230.85
10/31/2004	A-Due	30.50	30.50		36,430.50
10/31/2004	A-Due	195.76	195.76		36,627.23
10/31/2004	A-Due	30.50	30.50		36,777.23
10/31/2004	A-Due	195.83	195.83		36,974.41
10/31/2004	A-Due	30.50	30.50		37,174.41
10/31/2004	A-Due	195.83	195.83		37,321.09
10/31/2004	A-Due	30.50	30.50		37,473.09
10/31/2004	A-Due	195.83	195.83		37,672.12
10/31/2004	A-Due	30.50	30.50		37,822.12
10/31/2004	A-Due	195.83	195.83		38,021.90
10/31/2004	A-Due	30.50	30.50		38,171.90
10/31/2004	A-Due	195.83	195.83		38,372.43
10/31/2004	A-Due	30.50	30.50		38,522.43
10/31/2004	A-Due	195.83	195.83		38,723.71
10/31/2004	A-Due	30.50	30.50		38,873.71
10/31/2004	A-Due	195.83	195.83		39,075.74
10/31/2004	A-Due	30.50	30.50		39,225.74
10/31/2004	A-Due	195.83	195.83		39,428.52
10/31/2004	A-Due	30.50	30.50		39,578.52
10/31/2004	A-Due	195.83	195.83		39,782.55
10/31/2004	A-Due	30.50	30.50		39,932.55
10/31/2004	A-Due	195.83	195.83		40,136.33
10/31/2004	A-Due	30.50	30.50		40,266.33
10/31/2004	A-Due	195.83	195.83		40,461.35
10/31/2004	A-Due	30.50	30.50		40,641.35
10/31/2004	A-Due	195.83	195.83		40,847.14
10/31/2004	A-Due	30.50	30.50		40,997.14
10/31/2004	A-Due	195.83	195.83		41,203.67
10/31/2004	A-Due	30.50	30.50		41,353.67
10/31/2004	A-Due	195.83	195.83		41,551.65
10/31/2004	A-Due	30.50	30.50		41,710.65
10/31/2004	A-Due	195.83	195.83		41,818.55
10/31/2004	A-Due	30.50	30.50		42,064.55
10/31/2004	A-Due	195.83	195.83		42,277.76

EXHIBIT R

**IN THE CIRCUIT COURT, FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY FLORIDA**

IN RE: The Matter of:

Case No.: 42-2005-DR-4030-FG

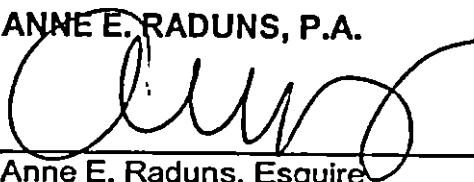
Nancy E. Lewin,
Mother,
and
Garry M. Finnegan,
Father.

NOTICE NON-REPRESENTATION

COMES NOW, the undersigned counsel and hereby gives notice to the Court and to the Mother, Nancy E. Lewin, that the ~~undersigned counsel does not currently, nor has the undersigned previously, represented Garry M. Finnegan~~ Robert L. Appleget, Jr.'s representation of the Father was concluded on January 25, 2007, according to the Court's records. ~~The undersigned would request that the Mother cease and desist sending pleadings and correspondence in this matter to her and that all correspondence and pleadings should be directed to the Father at the last known address of record with the Court, which is unknown to the undersigned.~~

DATED this 13th day of September 2010.

ANNE E. RADUNS, P.A.

By: 

Anne E. Raduns, Esquire
Florida Bar No.: 0669415
221 NW 4th Street
Ocala, Florida 34475
Telephone: (352) 840-9660

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished for delivery by U.S. Mail to Nancy E. Lewin, 48 Rainforest Drive, Brampton, ON L6R1B1, Canada, this 13th day of September, 2010.

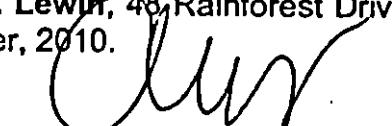

Anne E. Raduns, Esquire

EXHIBIT S-1

NCP Name: GARY M FINNEGAN
 CP Name: NANCY E FINNEGAN
 OAG Number: 1595017951

CAUSE NUMBER C151295-D

IN THE INTEREST OF
 KIMBERLY ANN FINNEGAN
 JENNIFER LYNN FINNEGAN
 JOSEPH JAMES FINNEGAN
 CHILDREN

S IN THE 317TH JUDICIAL DISTRICT COURT
 S OF
 S JEFFERSON COUNTY, TEXAS

ORDER REDUCING UNPAID CHILD SUPPORT TO JUDGMENT
 On the 3rd day of September, 1998, the Court held a hearing in this cause.

The Attorney General appeared by an Assistant Attorney General.

NANCY E FINNEGAN, MOTHER of the children, social security number 186-44-8676, driver license number 16116506, hereinafter referred to as Obligee,

appeared in person (and by attorney _____);

agreed to the entry of these orders as evidenced by her signature;

although duly notified, did not appear.

GARY M FINNEGAN, FATHER of the children, social security number 159-50-1795, driver license number 16116502, hereinafter referred to as Obligor,

appeared in person (and by attorney _____);

agreed to the entry of these orders as evidenced by his signature;

although duly notified, did not appear.

The Court finds that it has jurisdiction of the parties and the subject matter of this suit, and that the following orders are in the best interest of the children.

A record of the proceedings was Waived.

CHILDREN

The Court FINDS that the following children are the subject of this suit:

Name	Sex	DOB	SSN	DL#	Birthplace
KIMBERLY ANN FINNEGAN	F	10/24/82	197-62-5849	N/A	PITTSBURGH PA
JENNIFER LYNN FINNEGAN	F	6/28/84	247-77-5980	N/A	
JOSEPH JAMES FINNEGAN	M	6/21/91	247-87-6143	N/A	SUMTER SC

PRIOR ORDER

The Court FINDS that on 1/16/96 the Court ordered GARY M FINNEGAN to pay current child support of \$443.50 monthly, beginning 11/1/95 and monthly thereafter.

JUDGMENT ON ARREARS

The Court FINDS, RENDERS and CONFIRMS that GARY M FINNEGAN is in arrears in the amount of \$ 15,351.26 as of 8-26-98.
~~19~~. This includes all unpaid child support and any balance owed on previously confirmed arrearages or retroactive support judgments as of the specified date, but does not include application of any child support paid on that date. The judgment for this amount is a cumulative judgment.

The Court GRANTS JUDGMENT against GARY M FINNEGAN and in favor of the Attorney General in the amount of \$ 15,351.26, with interest at the rate of 12% per annum, for collection and distribution according to law.

The Court ORDERS GARY M FINNEGAN, Obligor, to pay said child support judgment by paying \$ _____ on or before the _____ day of _____, 19____, and by paying \$ 155.00 each month beginning the 1st day of October, 1998, payable on or before that date and on or before the same day of each month thereafter until the arrearage is paid in full, or on the termination of current support for ~~any~~ child the subject of this suit.

~~Thereafter, the Court ORDERS Obligor to pay said child support judgment by paying \$ _____ each month on or before the same day of each month until the arrearage is paid in full, or on the termination of current child support for any child the subject of this suit.~~

~~Thereafter, the Court ORDERS Obligor to pay said child support judgment by paying \$ _____ each month on or before the same day of each month until the arrearage is paid in full, or on the termination of current child support for any child the subject of this suit.~~

If GARY M FINNEGAN has not paid the judgment in full by the date his current child support obligation ends, the Court ORDERS him to pay the remainder of said judgment by paying \$ 305.00 each month on or before the same day of each month until the arrearage is paid in full. The withholding order authorized herein shall include such payments, but nothing herein shall prohibit the use of other collection methods authorized by law.

GARY M FINNEGAN is placed on notice that should he fail to pay current child support, or toward the child support arrearage as ordered herein, the Attorney General may pursue an administrative action to suspend any or all licenses he may have.

Pursuant to Texas Family Code § 157.269, the Court retains jurisdiction over this matter until all arrearages are paid in full as required by the court order.

PAYMENT OF CHILD SUPPORT, FEES AND COSTS

The Court ORDERS GARY M FINNEGAN to pay all child support to:

*JEFFERSON COUNTY DISTRICT CLERK OFFICE
P O BOX 3586
BEAUMONT, TX 77704*

who shall forward such payments to:

*The Office of the Attorney General
P.O. Box 13499
Austin, TX 78711-3499*

for distribution according to law.

~~The Court FINDS that GARY M FINNEGAN should pay reasonable attorney fees directly to the Office of the Attorney General. The Court GRANTS JUDGMENT against GARY M FINNEGAN and in favor of the Attorney General in the amount of \$ _____ and ORDERS him to pay the attorney fees on or before the _____ day of _____, 19____ directly to:~~

~~The Office of the Attorney General
P.O. Box 13499
Austin, TX 78711-3499~~

The Court ORDERS GARY M FINNEGAN to pay court costs of \$ all to the District Clerk of JEFFERSON County, Texas, on or before the 1st day of December 19 99.

INCOME WITHHOLDING

The Court ORDERS, pursuant to Texas Family Code Chapter 158, any employer of GARY M FINNEGAN, current or subsequent, to withhold income from the disposable earnings of GARY M FINNEGAN for the children's support as set out in the EMPLOYER'S ORDER TO WITHHOLD EARNINGS FOR CHILD SUPPORT entered herein. Any income withheld from GARY M FINNEGAN's disposable earnings for child support and paid according to this order shall be credited against his child support obligation, but shall not discharge any of his child support obligation that exceeds the amount so credited.

The Court ORDERS the Clerk of the Court, upon request, to cause a certified copy of the EMPLOYER'S ORDER TO WITHHOLD EARNINGS FOR CHILD ORDER REDUCING UNPAID CHILD SUPPORT TO JUDGMENT

SUPPORT, with a copy of Texas Family Code Chapter 158 attached, to be delivered to GARY M FINNEGAN's employer.

The Court ORDERS GARY M FINNEGAN to provide any subsequent employer with a copy of the EMPLOYER'S ORDER TO WITHHOLD EARNINGS FOR CHILD SUPPORT entered herein.

STATUTORY WARNINGS

FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER. THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EACH OTHER PARTY, THE COURT AND, THE STATE CASE REGISTRY WITH CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

NOTICE TO THE ATTORNEY GENERAL

All notices required in the above Statutory Warnings shall additionally be given by delivery of the notice in person or by mailing the notice to:

The Office of the Attorney General
CHILD SUPPORT UNIT 0502E
1110 CALDER AVE
BEAUMONT TX 77701

or by facsimile transmission to (409)832-6563.

REVIEW

Pursuant to 42 USC 466(a)(10), a parent subject to a child support order, at least every three years, has the right to request a review of the ordered child support amounts by contacting the Child Support Division of the Office of the Attorney General.

MODIFICATION OF SUPPORT ORDER

The Court finds that since rendition of the order entitled ORDER ON MOTION TO MODIFY IN SUIT AFFECTING PARENT-CHILD RELATIONSHIP signed on 1/16/96 there has been a material and substantial change in the circumstances of the children or parties, or it has been three years since the order was rendered or last modified and the monthly amount of the child support award under the order differs by either 20 percent or \$100 from the amount that would be awarded in accordance with the child support guidelines, which warrants the following modification of the existing child support order.

REGULAR CHILD SUPPORT

The Court ORDERS GARY M FINNEGAN to pay NANCY E FINNEGAN regular child support of \$ 150.⁰⁰ each month beginning the 1st day of October, 1998, payable on or before that date and on or before the same day of each month thereafter while any child is less than 18 years of age or while any child is fully enrolled in an accredited school in a program leading toward a high school diploma, whichever occurs last, or until every child is otherwise emancipated.

The Court ORDERS GARY M FINNEGAN to pay all child support through the registry prescribed in this decree, and any direct payments by him or any expenditures incurred during his periods of possession shall be deemed in addition to and not in lieu of the child support ordered herein.

The Court ORDERS that the child support provisions of this order shall be an obligation of the estate of GARY M FINNEGAN, and shall not terminate on his death.

Other: Ma / / /

CHILD SUPPORT GUIDELINE FINDINGS

The Court FINDS, pursuant to Texas Family Code § 154.130:

(1) the monthly net resources of the OBLIGOR per month are \$ 505.83, from U.S. Air Force retirement/disability;

(2) the monthly net resources of the OBLIGEE per month are \$ N/A;

(3) the percentage applied to the OBLIGOR'S net resources for child support by the actual order rendered by the Court is 30 %;

(4) the amount of child support if the percentage guidelines are applied to the first \$6,000 of the OBLIGOR'S net resources is \$ 150.00;

(5) if applicable, the specific reasons that the amount of child support per month ordered by the court varies from the amount stated in Subdivision (4) are:

the Court ordered OBLIGEE, instead of OBLIGOR, to provide the health insurance for the child(ren); and:

;

(6) if applicable, the OBLIGOR is obligated to support children in more than one household, and:

(A) the number of children before the court is 3;

(B) the number of children not before the court residing in the same household with the OBLIGOR is 0; and

(C) the number of children not before the court for whom the OBLIGOR is obligated by a court order to pay support, without regard to whether the OBLIGOR is delinquent in child support payments, and who are not counted under Paragraph (A) or (B) is 0.

RECOMMENDED:

Gary C. Hinman

MASTER PRESIDING

9/3/98

DATE

APPROVED AND ORDERED:

John H. Hunter

JUDGE PRESIDING

9/4/98

DATE

Victoria H. Pero

VICTORIA H. Pero
Assistant Attorney General
Child Support Division
Texas Bar No. 15794670
CHILD SUPPORT UNIT 0502E
1110 CALDER AVE
BEAUMONT, TX 77701
Telephone No. (409) 832-1606
FAX No. (409) 832-6563

Gary M. Finnegan

GARY M. FINNEGAN, Obligor
SSN: 159-50-1795

Nancy C. Finnegan

NANCY C. FINNEGAN, Obligee

FILED
DISTRICT COURT OF
JEFFERSON CO., TEXAS

98 SEP -4 P2.D0

100-10000-11
JULY 1998
CLERK'S OFFICE
CLERK OF COURT

EXHIBIT S-2

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA

IN RE: The Marriage of:
GARY M. FINNEGAN,
Former Husband,

and

NANCY E. FINNEGAN, n/k/a,
NANCY E. LEWEN,
Former Wife.

Case No.: 2005-4030-DR-FG

*Robert Applegate Esq
Appealed as counsel*

**FINAL JUDGMENT OF DOMESTICATION AND MODIFICATION OF FOREIGN DECREE
OF DIVORCE**

THIS CAUSE having come before the Court upon the Order Setting Trial, upon the appearance of the Former Husband, **GARY M. FINNEGAN**, in person and by his counsel, upon the appearance of the Former Wife, **NANCY E. LEWEN**, *Pro Se*, telephonically, the Court having reviewed the court file and the partial Mediation Agreement signed by Husband and by Wife, and being otherwise fully advised in the premises, makes the following findings of fact and conclusions of law:

A. This Court has jurisdiction over the parties, the children, and the subject matter of this action;

B. ~~On or about December 1, 1993, a final Decree of Divorce was entered in the District Court of Jefferson County, Texas, in the 317 Judicial District (hereinafter referred to as the "Final Judgment") regarding child custody, visitation and child support.~~ Doesn't Acknowledge Numerous modifications.

C. There has been a substantial change in circumstances since the entry of the Final Judgment.

D. ~~The Court reserves jurisdiction to address the issue of child support aggregate owed to the both the Former Husband and Former Wife, if any, as it relates to the parties now adult children, KIMBERLY ANN FINNEGAN, DOB: 10/24/82; JENNIFER LYNN FINNEGAN, DOB: 6/28/84, and the parties minor child, JOSEPH JAMES FINNEGAN, born June 21, 1991, when the proper information is provided to the Court.~~

E. That the partial Mediation Agreement was entered into by the parties after full disclosure, entered into freely and voluntarily by the parties and under the circumstances appears on the evidence to be in the best interest of the parties and the children.

Therefore it is accordingly;

ORDERED AND ADJUDGED as follows:

1. Domestication: The Former Husband's Petition to Domesticate Foreign Final Decree of Divorce and Supplemental Petition for Modification of Foreign Decree of Divorce as it relates to primary physical residence, shared parental responsibility, child support, and visitation, and support is hereby **granted**.

2. Primary Physical Residence: The Former Husband shall have primary physical residence of the parties minor child, JOSEPH JAMES FINNEGAN, born June 21, 1991.

3. Shared Parental Responsibility: Parental responsibility for the minor child of the parties shall be shared by both the Mother and the Father. Shared parental responsibility means that both parties retain full parental rights and responsibilities

with respect to their child and requires both parties to confer so that major decisions affecting the welfare of the child will be determined jointly. The areas of responsibility in which the parties shall confer include, but are not limited to, education, medical, and dental care.

Each parent shall be entitled to complete information from any doctor, dentist, or other health care provider attending to the child and from any school or school authority instructing the child. The names, addresses, and telephone numbers of both parties will be on school and medical records, with a notation that both parents will be called in case of an emergency affecting the child. Each parent shall endeavor to inform the other of any serious illness, accident, or trauma affecting the child. Each parent shall endeavor to inform the other of school conferences, activities, and other matters affecting the child.

Neither the Father nor the Mother shall do anything which may estrange their child from the other parent. Neither party shall make disparaging remarks regarding the other parent to the child or in the child's presence. Each parent shall foster love, respect, and understanding between the child and the other parent. Neither the Father nor the Mother shall annoy, harass, or otherwise abuse the other party.

4. Visitation: The Former Wife shall have visitation with the minor child, JOSEPH JAMES FINNEGAN, born June 21, 1991, as follows:

a. At any time the Former Wife is in the State of Florida, she may attend any and all of the child's school functions and/or after school

activities and have visitations with the minor child.

b. The Former Wife may have summer visitations with the minor child for the year 2006 any time commencing May 19, 2006 thru June 5, 2006.

c. The parties shall arrange all future summer visitations as agreed upon.

d. The Former Wife shall have holiday visitations with the minor child on an alternating basis as agreed upon by the parties.

e. The Former Husband shall notify the Former Wife of the date of the family reunion that is scheduled to occur during the Christmas break of 2006 and the Former Wife shall have Christmas visitation with the minor child during the other half of Christmas break of 2006.

f. The Former Wife shall have liberal visitations with the minor child as agreed upon by the parties in accordance with the minor child's extra-curricular school activities.

5. Address and Telephone No.: Each party shall immediately notify the other, in writing, of any change of address and/or telephone number.

6. Child Support: Jurisdiction to resolve all issues of past, present and/or current child support as it relates to all of the parties children shall be reserved until the Court is provided with the proper information required to make such a determination.

7. Modifications: Except as modified herein, all prior orders shall remain

in full force and effect.

8. Jurisdiction: The Court retains jurisdiction over the parties, the child and the subject matter of this action to enter such other and further orders as to the Court seems meet and proper.

DONE AND ORDERED in Chambers at Ocala, Marion County, Florida this 5th day of May 2006.

SANDRA EDWARDS - STEPHENS

**Sandra Edwards-Stephens
Circuit Court Judge**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail delivery to **Robert L. Applegate, Jr, Esquire**, Post Office Box 1472, Ocala, Florida 34478; **Nancy E. Lewen**, 13 Beech Street, Stoneboro, PA 16153 this 5th day of May 2006.

Lien K. Williams-Swab

**Lien K. Williams-Swab
Judicial Assistant**

4-17-06

IN THE CIRCUIT COURT, FIFTH JUDICIAL CIRCUIT,
IN AND FOR MARION COUNTY, FLORIDA.

IN RE:

CASE NO: 05-4030-DR-FG

*Gary M. Finegan,
Former Husband
and
Nancy E. Lewis F/K/A
Nancy E. Finegan,
Former Wife.*

MEDIATION CLOSE-OUT REPORT

ATTENDANCE:

(Husband and Wife attended.
 Husband attended but Wife failed to appear.
 Wife attended but Husband failed to appear.
 Mother and Father attended.
 Father attended but Mother failed to appear.
 Mother attended but Father failed to appear.
 Neither party appeared. Appointment scheduled for both parties.

ISSUES:

Custody
 Visitation
 Financial
 Counseling/Conciliation

OUTCOME:

No Agreement
 Agreement Reached (Attached)
 Partial Agreement (Attached)

COMMENTS:

DATED this 13th day of April, 2006.

Copies furnished for:

Court Case File
 Attorney for Wife/Mother, *Ree Sc*
 Attorney for Husband/Father

DR. Dac

Rollin E. Tomberlin, Mediator
 Suite 202
 Ocala, FL 34470
 (352) 629-6000
 Certification No.: 1680F
 Fla. Bar No. 394874

FW: ~~Former
wife~~

FH: ~~Former
husband~~ Paris's
Agreement Agreement

The parties agree as follows:

- ① The FH shall be the primary physical residential parent of the parties' minor son.
- ② All other issues shall be decided by the Court at the Final Hearing.

Dawn Dernegan Manig S. Seven
3/12/06

R.E. Dernegan

- ③ The parties waive the 10 day period of time to object to this Agreement and agree that this Agreement is binding immediately.

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA

IN RE: The Marriage of:
GARY M. FINNEGAN,
Former Husband,

Case No.: 2005-4030-DR-FG

and

NANCY E. FINNEGAN, n/k/a,
NANCY E. LEWEN,
Former Wife.

Anne E. Radens Esq.
Attended this
hearing as counsel.
Arreage from Texas
was ignored.

ORDER ESTABLISHING CHILD SUPPORT, RETROACTIVE CHILD SUPPORT AND
METHOD OF PAYMENT

THIS CAUSE, having come before me upon the Former Husband's Motion to Establish Child Support, Retroactive Child Support and Method of Payment, upon the appearance of the Former Husband in person, upon the appearance of counsel for the Former Husband, upon the appearance of the Former Wife via telephone, Pro Se, the Court having heard testimony of the parties and argument of counsel and being otherwise fully advised in the premises makes the following findings of fact and conclusion of law:

- A. The Former Wife did not make any child support payments to the Former Husband since the entry of the Final Judgment in May, 2006.
- B. The Former Wife owes retroactive child support from May, 2006 through August, 2006.
- C. The Former Wife voluntarily is underemployed. The Court imputed the Former Wife's income at the rate of \$9.00 per hour at forty (40) hours per week.
- D. The Former Wife's current child support obligation is established at

\$325.63 per month.

E. The Former Wife's retroactive child support is established to be \$1302.52 and shall be payable at the rate of \$25.00 per month until said retroactive support obligation is paid in full.

F. Counsel for the Former Husband expended two hours in preparation of this instant matter at the rate of \$200.00 per hour. Counsel for the Former Husband acknowledged the Former Wife's financial position and agreed to the reasonable and reduced fee in the amount of \$250.00 as and for attorneys' fees for the instant child support issue only.

Therefore it is accordingly;

ORDERED AND ADJUDGED as follows:

1. Commencing September 1, 2006 the Former Wife shall pay the sum of \$325.63 per month as and for her current child support obligation. Said support shall continue until the first occurrence of the following:

- a. The death of the child;
- b. Attainment of the child's 18th birthday;
- c. The valid marriage of the child;
- d. A lawful entry of the child into the military service of the United

States for a continuous period of time for one year or more;

- e. The child becoming self-supporting by permanent and full time employment, exclusive of holidays and vacations; or
- f. Further order of the Court.

h. Notwithstanding the provisions recited above, the support rights of the child and the obligation of the Former Wife to pay support for the child shall continue for the child if the child is dependent in fact, is between the ages of eighteen (18) and nineteen (19), and is still in high school, performing in good faith with a reasonable expectation of graduation before the age of nineteen (19).

2. Commencing September 1, 2006 the Former Wife shall pay the sum of \$25.00 per month as and for her retroactive child support obligation until the sum of \$1,302.52 is paid in full.

3. The Former Wife shall pay the \$325.63 per month current child support, and the \$25.00 per month retroactive child support directly to the Former Husband until an account is activated with the State of Florida Disbursement Unit. Once activated, child support shall be paid directly to the State of Florida Disbursement Unit, P.O. Box 8500, Tallahassee, Florida 32314-8500, and shall include the statutory Clerk's Fee of 4% of the payment or \$5.25, whichever is less, except no fee shall be less than \$1.25. Said payments shall be in the form of a cashier's check, money order, or check with this case number, County code 42, and the parties names thereon. Both parties are required to immediately inform the Clerk of Court, 110 N.W. First Avenue, Ocala, Florida 34475 of any change of name or address. In addition, the Husband shall also inform the Clerk in writing of any change of employment or other source of income supplying the name of the employer, income source and mailing address.

4. The Former Wife shall pay directly to counsel for the Former Husband, Anne E. Raduns-Owen, Esquire, PO Box 1472, Ocala, Florida 34478, the sum of \$250.00 representing the attorneys' fees and costs associated with this instant child support matter.

5. Except as modified herein, all prior Orders and Judgments shall remain in full force and effect.

6. The Court retains jurisdiction over the parties, the child and the subject matter of this action to enter such other and further Orders as to the Court seems meet and proper.

DONE AND ORDERED in Chambers at Ocala, Marion County, Florida this 8th
September
day of August, 2006.

SANDRA EDWARDS - STEPHENS

SANDRA EDWARDS-STPHENS
Circuit Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail delivery to Nancy E. Lewen, 13 Beech Street, Stoneboro, PA 16153, and Anne E. Raduns-Owen, Esquire, P.O. Box 1472, Ocala, Florida 34478 on this 8th
September
day of August 2006.

Lien K. Williams-Swab

LIEN K. WILLIAMS-SWAB
Judicial Assistant

filename FINNEGAN Unemployed HUSBAND ALLEGED to pay \$326/month Child care center expenses for a teenage softball player.

CHILD SUPPORT GUIDELINES WORKSHEET

Number Of Children	Percentage Share Of Support			100.00%	25.39%	74.61%
	COMBINED	WIFE	HUSBAND			
Taxable Income Amounts						
Self Employment Taxable Income	0.00	0.00	0.00			
Social Security Taxable Income	1,560.00	1,560.00	0.00			
Other Taxable Income	0.00	0.00	0.00			
Taxable Spousal Support Income	0.00	0.00	0.00			
Non Taxable Income	3,949.00	0.00	3,949.00			
GROSS INCOME	5,509.00	1,560.00	3,949.00			
Spousal Support Payments						
Deductible This Marriage	0.00	0.00	0.00			
Deductible Prior Marriage	0.00	0.00	0.00			
Non Deductible	0.00	0.00	0.00			
TOTAL SPOUSAL SUPPORT	0.00	0.00	0.00			
Taxes						
FICA - Social Security	96.72	96.72	0.00			
FICA - Medicare	22.62	22.62	0.00			
Self Employment Tax	0.00	0.00	0.00			
Federal Income Tax	96.92	96.92	0.00			
State/Local/Other Income Tax	0.00	0.00	0.00			
TOTAL TAX	216.26	216.26	0.00			
Other Deductions						
Mandatory Union Dues	0.00	0.00	0.00			
Mandatory Retirement Payments	0.00	0.00	0.00			
Parent's Health Insurance Payments	0.00	0.00	0.00			
Child Support Ordered and Paid	0.00	0.00	0.00			
Total Other Deductions	0.00	0.00	0.00			
Total Deductions	216.26	216.26	0.00			
Net Monthly Income	5,292.74	1,343.74	3,949.00			
Available Income Analysis Without Children						
Affidavit Needs Less Child Expenses						
Available Income Without Children	5,292.74	1,343.74	3,949.00			
Excess / Deficit Without Children	5,292.74	1,343.74	3,949.00			
Percentage Retained	Gross Income	131.80%	81.96%			
Income Analysis	Earned Income	131.80%	0.00%			
	Net Income	153.01%	81.96%			

CHILD SUPPORT GUIDELINES WORKSHEET			
	A. HUSBAND	B. WIFE	TOTAL
1. Present Net Monthly Income Enter the amount from last line, Section 1 of Florida Family Law Form 12.902(b) or (e), Financial Affidavit.	3,949.00	1,343.74	5,292.74
2. Basic Monthly Obligation There is/are 1 minor child(ren) common to the parties. Using the amount on line 1 enter the appropriate amount from the child support guidelines chart.			1,038.00
3. Percent of Financial Responsibility Divide the amount on line 1A. by the amount on line 1 to get Father's percentage financial responsibility. Enter answer on line 3A. Divide the amount on line 1B. by the amount on line 1 to get Mother's percentage financial responsibility. Enter answer on line 3B.	74.61 %	25.39 %	
4. Share of Basic Monthly Obligation Multiply the number on line 2 by the amount on line 3A to get Father's share of basic obligation. Enter answer on line 4A. Multiply the number on line 2 by the amount on line 3B to get Mother's share of basic obligation. Enter answer on line 4B.	774.45	263.55	
Additional Support - Health Insurance, Child Care & Other			
5a. 75% of Monthly Child Care Costs [Child care costs should not exceed the level required to provide quality care from a licensed source for the child(ren). See section 61.30(7) Fla. Stat. for more information.]			244.50
5b. Total Monthly Child(ren)'s Health Insurance Costs [This is only amounts paid for insurance on the child(ren).]			0.00
5c. Total Monthly Uncovered Child(ren)'s Medical / Dental / Prescriptions			0.00
5d. Total Monthly Child Care & Health Care Costs [Add lines 5a + 5b + 5c]			244.50
6. Additional Support Payments [Multiply the number on line 5d by the percentage on 3A Father's share] [Multiply the number on line 5d by the percentage on 3B Mother's share]	182.42	62.08	
Statutory Adjustments / Credits			
7a. 75% of Monthly child care payments actually made	244.50	0.00	
7b. Monthly health insurance payments actually made	0.00	0.00	
7c. Monthly unallocated uncovered medical, dental and prescription drug expense payments actually made	0.00	0.00	
8. Total support payments actually made [Add 7a through 7c]	244.50	0.00	
9. MINIMUM CHILD SUPPORT OBLIGATION FOR EACH PARENT [Line 4 plus Line 6; minus line 8]	712.37	325.63	

Substantial Shared Parenting (GROSS UP METHOD) If the noncustodial parent exercises visitation at least 40 percent of the overnights in the year (146 overnights in the year) complete Nos. 10 - 21

10. Basic Monthly Obligation x 150% [Multiply line 2 by 1.5]			
	A. HUSBAND	B. WIFE	TOTAL
11. Increased Basic Obligation for each parent Multiply the number on line 10 by the percentage on line 3A to determine the Father's share. Enter on line 11A. Multiply the number on line 10 by the percentage on line 3B to determine the Mother's share. Enter on line 11B.			
12. Percentage of overnight stays with each parent The child(ren) spend(s) 0 with the father each year. Using the number on the above line, multiply it by 100 and divide by 365. Enter this number on line 12a. The child(ren) spend(s) 365 with the mother each year. Using the number on the above line, multiply it by 100 and divide by 365. Enter this number on line 12b.			
13. Parent's support multiplied by other Parent's percentage of overnights [Multiply the number on line 11A by the percent on line 12B to get father's financial responsibility. Enter answer on line 13A.] [Multiply the number on line 11B by the percent on line 12A to get mother's financial responsibility. Enter answer on line 13B.]			

Additional Support - Health Insurance, Child Care & Other

14a. Total Monthly Child Care Costs [Child care costs should not exceed the level required to provide quality care from a licensed source for the child(ren). See section 61.30(7) Fla. Stat. for more information.]			
14b. Total Monthly Child(ren)'s Health Insurance Cost [This is only amount actually paid for health insurance on the child(ren).]			
14c. Total Monthly Child Care & Health Costs [Add lines 14a and 14b]			
15. Additional Support Payments Multiply the number on line 14c. by the amount on line 3A to determine Father's share. Enter on line 15A. Multiply the number on line 14c. by the amount on line 3B to determine Mother's share. Enter answer on line 15B.			

Statutory Adjustments / Credits

16a. Monthly child care payments actually made			
16b. Monthly health insurance payments actually made			
17. Total support payments actually made [Add 16a through 16b]			
18. Total Additional Support Transfer Amount. [Line 15 minus line 17; Enter any negative number as Zero]			
19. Total Child Support Owed from Father to Mother			
20. Total Child Support Owed from Mother to Father			
21. Actual Child Support to Be Paid [Subtract the smaller amount owed from the larger amount owed and enter the result in the column for the parent that owes the larger support amount.]			

CHILD SUPPORT GUIDELINES WORKSHEET

Date: 08/29/2006
 File Name: FINNEGAN

CHILD SUPPORT ARGUMENTS AND ANALYSIS

	COMBINED	WIFE	HUSBAND
5% Range Analysis			
Presumptive Guidelines Share		325.63	956.87
5% Range		16.28	47.84
Low Guidelines		<u>309.35</u>	<u>909.03</u>
High Guidelines		<u>341.91</u>	<u>1,004.71</u>
Net Available Income Analysis (For Family)			
Adjusted Affidavit Needs		0.00	0.00
Available Income	5,292.74	2,056.11	3,236.63
Per Capita Income		<u>2,056.11</u>	<u>1,618.32</u>
Excess / Deficit	<u>5,292.74</u>	<u>2,056.11</u>	<u>3,236.63</u>
Available Income Analysis Without Children			
Affidavit Needs Less Child Expenses		0.00	0.00
Available Income Without Children	5,292.74	<u>1,343.74</u>	<u>3,949.00</u>
Excess / Deficit Without Children	<u>5,292.74</u>	<u>1,343.74</u>	<u>3,949.00</u>
Percentage Retained Income Analysis			
Gross Income	131.80%	81.96%	
Earned Income	131.80%	0.00%	
Net Income	153.01%	81.96%	

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA.

IN RE: The Former Marriage of
GARY FINNEGAN,
Former Husband,
and
NANCY FINNEGAN
n/k/a NANCY LEWEN,
Former Wife.

CASE NUMBER: 2005 4030 DR FG

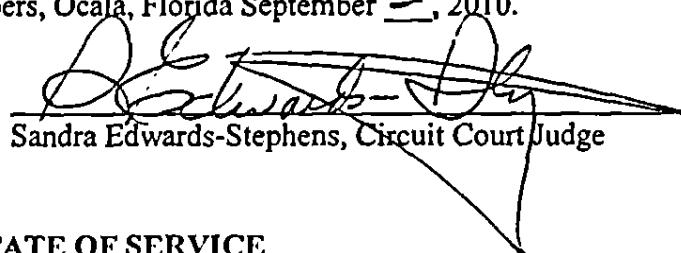
**ORDER DENYING FORMER WIFE'S MOTION TO SET ASIDE
DEFAULT OR DEFAULT JUDGMENT**

The Court scheduled a hearing on the Former Wife's Motion to Set Aside Default or Default Judgement for September 2, 2010. At the time of the scheduled hearing, movant and opposing party failed to appeared or contacted the Court to request a continuance. Therefore it is,

ORDERED AND ADJUDGED:

1. Former Wife's Motion to Set Aside Default or Default Judgement is denied.
2. The Clerk of Circuit Court, Family Civil Division is directed to close the reopened case that was reopened on the Former Wife's filing with the Clerk on July 13, 2010.

DONE AND ORDERED in Chambers, Ocala, Florida September 3, 2010.


Sandra Edwards-Stephens, Circuit Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy hereof was sent by regular U.S. Mail on September 3, 2010 to the following:

Nancy Lewen
Former Wife
48 Rainforest Drive
Brampton, Ontario Canada L6R 1B1

Gary Finnegan
Former Husband
18 Chestnut Place
Ocala, Florida 34480

By 

EXHIBIT - T



CHESTER J. TROW • ROBERT APPLEGET, JR. • RICHARD A. PERRY • ANNE E. RADUNS-OWEN • THOMAS J. DOBBINS

June 16, 2006

The Honorable David R. Ellspermann,
Clerk of Court
Marion County Judicial Center
110 NW First Avenue
Ocala, Florida 34475

Re: Finnegan v Finnegan
Case No.: 2005-4030-DR-FG

Dear Clerk:

Enclosed please find the Motion to Establish Child Support in the above-referenced matter. This filing should not require the fifty (\$50.00) dollars filing fee, in light of the fact jurisdiction to establish child support was reserved in the Final Judgment of Domestication and Modification of Foreign Decree of Divorce.

Thank you for your attention.

Respectfully submitted,
TROW, APPLEGET & PERRY
By: Robert L. Appleget, Jr., Esquire

RLA: rns
Enclosures
cc: Nancy Lewen

Certified A True Copy
of 1 page document
this 3 day of NOV 2010
DAVID R. ELLSPERMANN
Clerk of Court
BY *C.L. Appleget* D.C.

THE ORLEANS BUILDING • SECOND FLOOR • 21 N. MAGNOLIA AVE. • OCALA, FL 34475
352.840-9660 (PH) • 352.369.8832 (FAX)

14c

EXHIBIT - U

TAP
TROW, APPLEGET & PERRY
LAWYERS FOR PEOPLE & BUSINESSES

CHESTER J. TROW • ROBERT APPLEGET, JR. • RICHARD A. PERRY • ANNE E. RADUNS-OWEN • THOMAS J. DOBBINS

RECEIVED

August 29, 2006

The Honorable Sandra Edwards-Stephens
Circuit Court Judge
Marion County Judicial Center
110 NW First Avenue
Ocala, Florida 34475

Sandra Edwards-Stephens
Circuit Judge

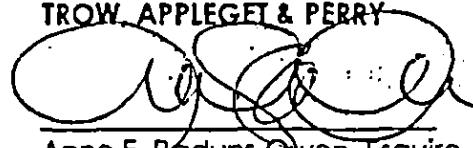
Re: Finnegan v Finnegan
Case No.: 2005-4030-DR-FG

Dear Judge Edwards-Stephens:

Enclosed please find the Order Establishing Child Support and Method of Payment, in the above-referenced matter, together with copies and envelopes. A copy of same has been mailed to the Former Wife for her review.

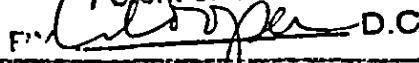
Accordingly, if same meets with your approval, please enter the Order and have your Judicial Assistant conform the appropriate copies and mail them in the stamped self-addressed envelopes provided for her convenience.

Thank you for your attention.

Respectfully submitted,
TROW, APPLEGET & PERRY
By: 
Anne E. Raduns-Owen, Esquire

AERO: rns
Enclosures
cc: Nancy Lewen

Certified A True Copy
of 3 page document
this 3 day of Nov 2010
DAVID R. ELLSPERMANN
Clerk of Court


F.D.C.

FILED
CLERK
NOV 2 2010

50
S/PA

EXHIBIT ✓IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR MARION COUNTY, FLORIDACase No.: 2005-4030-DR-FG

Division: _____

Nancy E. Lewen

Petitioner,

and

Gary M. Finnegan

Respondent.

MOTION TO SET ASIDE DEFAULT OR DEFAULT JUDGMENT

I, *(full legal name)* Nancy E. Lewen, request that the Court enter an order to set aside the () Default () Default Judgment entered against me and that I be given the opportunity to present my views.

The Court should do this because:

1. I became aware of this Default/Default Judgment on *(date)* 5/5/2006; 9/8/2006.
2. I found out about this in the following manner *(explain how you found out)*: During hearings that I attended telephonically as a pro se out of state party.
3. I did not answer or appear at the hearing because: n/a.
Being socioeconomically disadvantaged, I did appear to the best of my ability and attempted to enforce the Full Faith and Credit Clause of the United States Constitution but was unsuccessful in doing so when going up against Robert Appleget.
4. If I am given an opportunity, these are the defenses and arguments that I would like to tell the court about: All child custody, visitation, child support, and contact information orders in this judgment should be set aside pursuant to Fla. RCP 1.540(S) regarding "prior judgment or decree upon which it is based has been reversed or otherwise vacated." Judgment that was "registered" with Court by Robert Appleget for Gary Finnegan was not prior controlling order. All children now over age 19. Whereabouts of father and son are unknown.
Court should decline jurisdiction for new orders by reason of conduct [Fla. Stat.61.521]

10
 MARION CIRCUIT COURT
 113 PH 3:56
 FILED
 FULL FAITH AND CREDIT
 COUNTY

Marion County Florida
Fifth Judicial Circuit Court

Nancy E. Lewen
Petitioner

v
Gary M. Finnegan
Respondent

2005-4030-DR-FG

DEMAND TO COURT DISCOVERY OF MITIGATING EVIDENCE

~~Dear David Eisermann and Judge Sandra Edwards-Stephens;~~

The decision to modify a parent's child support obligation is largely within the sound discretion of the trial court upon consideration of the evidence. *Freeman v. Freeman*, 615 So. 2d 225 (Fla. 5th DCA 1993).

~~In August 2005 as an act of fraud against the Court, Robert Appleget registered null and void child custody and child support orders holding them out to be the prior controlling orders. This act concealed prior controlling order dated September 2, 1998 and was an intentional and unjustifiable action by Robert Appleget Esq. and Gary M. Finnegan. Orders that were fraudulently registered to your Court had actually been modified in proceedings initiated by Gary M. Finnegan by and through his attorney, Jeffery Shelton, on June 5, 1995.~~

Child Support orders were subsequently generated on September 8, 2006 that were rubber stamped in the name of Judge Sandra Edwards-Stephens including "child care" expenses from Father's worksheet discretely incorporated into the child support orders for a fifteen year old teenager. These orders also ignored a large child support arrears from the Court holding prior jurisdiction in defiance and contrary to the Full Faith and Credit for Child Support Orders Act [U.S. Code Title 28 Part V Chapter 115 Sec. 1738B.]

During prior hearing in Jefferson County Texas 317th District Court on September 2, 1998, the Father provided evidence to the Texas Office of the Attorney General of lack of income other than partial military retired disability income due to inability to work because of disability. The Father furthermore provided evidence to the Texas Office of the Attorney General of a doctor's certification of inability to drive a vehicle due to disability. The Father also provided evidence to the Attorney General of evidence of inability to ambulate unassisted.

The Veteran who you awarded child care costs to, for child care expenses for the fifteen year old teenager, had been previously rated by the Department of Veteran's Affairs as *100 percent disabled based on individual unemployability (IU)*. To receive such rating, a veteran must be unable to secure or retain employment by reason of service-connected (SC) disability. The veteran was at the time of the entrance of your orders rated *unemployable by reason of Service Connected disability* having met the schedular requirements of 38 CFR 4.16.

FLORIDA STATUTE 402.302(1) DEFINES "CHILD CARE" AS THE CARE, PROTECTION, AND SUPERVISION OF A CHILD, FOR A PERIOD OF LESS THAN 24 HOURS A DAY ON A REGULAR BASIS, WHICH SUPPLEMENTS PARENTAL CARE, ENRICHMENT, AND HEALTH SUPERVISION FOR THE CHILD, IN ACCORDANCE WITH HIS OR HER INDIVIDUAL NEEDS, AND FOR WHICH A PAYMENT, FEE, OR GRANT IS MADE FOR CARE. FOR THE PURPOSE OF CHILD SUPPORT ORDERS, FLORIDA STATUTE 16.30 (7) FURTHER DEFINES "CHILD CARE" AS COSTS INCURRED ON BEHALF OF THE CHILDREN DUE TO EMPLOYMENT, JOB SEARCH, OR EDUCATION CALCULATED TO RESULT IN EMPLOYMENT OR TO ENHANCE INCOME OF CURRENT EMPLOYMENT OF EITHER PARENT.

On September 8, 2006, in hearing based upon facts and matter of law, the Veteran satisfied you that he had met the requirements of Florida Statute 402.302(1) and Florida Statute 16.30 regarding child care costs for the teenager, and judgment was entered for child care incorporated into "child support." I am asking that you disclose the discretionary evidence that influenced your decision to grant child care costs on September 8, 2006.

Please provide a copy of any evidence of the father's employment or employability to the Mother. Please provide a copy of that evidence to the Court holding prior Continuing Exclusive Jurisdiction, the Jefferson County 317th District Court, Case #151295. Please also provide a copy of that evidence of employment or employability to the Department of Veteran's Affairs and the Social Security Administration.

Robert Appleget's deceit was an unethical act contrary to Florida Bar Rules of Professional Conduct Rule 4-8.4 (a)(b)(c). This act of fraud and disregard for the Full Faith and Credit Clause of the US Constitution has prejudiced me for socioeconomic reasons as an out of state pro se litigant.

If you do not condone this unjustifiable conduct and act of fraud, please set this fraudulent judgment aside pursuant to Fla. R.C.P. 1.640 and decline jurisdiction for entering any new child support orders in this case pursuant to Florida Statute 61.521, "Jurisdiction declined by reason of conduct." This request is made within a reasonable time of the child who was the subject of these orders turning 19 years old.

The child who is the subject of these orders turned 19 years old on June 21, 2010. Marion County Florida court records indicate the last known address of the child is a house that was foreclosed on in case # 42-2008-CA-004034-AXXX-XX filed 8/7/2008. There has been no contact since your failure to enforce the Father's willful contempt of your visitation orders in 2006, after which the Father changed his phone number and abandoned his home. When you have entered judgment based upon facts and matters of law, please have the Clerk of this Court send a signed copy, (not rubber stamped,) of the judgment you enter to the Clerk of the Jefferson County Texas 317th District Court, which is the Court holding Continuing Exclusive Jurisdiction for final judgment against Gary M. Finnegan for child support arrears of approximately \$100,000 owed to Nancy E. Lewen.

Nancy E. Lewen